



CHARLES H. CHEVALIER
Director

Gibbons P.C.
One Gateway Center
Newark, New Jersey 07102-5310
Direct: (973) 596-4611 Fax: (973) 639-6263
cchevalier@gibbonslaw.com

January 16, 2024

VIA ECF

Honorable Edward S. Kiel, U.S.M.J.
United States District Court for the District of New Jersey
Martin Luther King Jr. Bldg. & U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07102

ORDER

Re: *Rensselaer Polytechnic Institute v. Samsung Electronics America, Inc. et al.*
Civil Action No. 19-cv-20097 (BRM)(ESK)

Dear Judge Kiel:

Along with Blank Rome LLP, we represent Samsung Electronics America, Inc. and Samsung Electronics Co., Ltd. (collectively, "Samsung") in the above-referenced action. We write regarding Rensselaer Polytechnic Institute's ("RPI") Reply in Support of its Motion for Voluntary Dismissal with Prejudice under FRCP 41(a)(2) (ECF No. 179) ("RPI's Reply") and to respectfully request leave to file a brief sur-reply in the form attached hereto. *See* L. Civ. R. 7.1(d)(6).

The basis for the requested leave is to respond to new arguments raised for the first time in RPI's Reply. The parties met and conferred on this issue on January 11, 2024. During the meet and confer, RPI's counsel stated that it does not oppose Samsung's filing a sur-reply. Samsung provides a copy of the proposed sur-reply as an attachment for the Court's consideration. If your Honor finds this request acceptable, Samsung respectfully requests that Your Honor "So-Order" this letter and direct its entry on the docket. If leave is granted, Samsung will promptly file the sur-reply on the docket.

Should the Court like to discuss this issue, we will make ourselves available at the Court's convenience. We thank the Court for its consideration and assistance in this matter.

Respectfully submitted,

s/ Charles H. Chevalier
Charles H. Chevalier

Attachment

cc: All Counsel of Record (via ECF and e-mail)

The document filed at ECF No. 185 shall be considered the sur-reply. Defendants do not need to re-file the sur-reply under separate cover. So Ordered.

/s/ Edward S. Kiel
Edward S. Kiel, U.S.M.J.
Date: January 19, 2024